

### **AMENDMENTS TO THE CLAIMS**

The following listing of claims replaces all prior versions and listings of claims.

1. (Previously Presented) An off-road vehicle comprising a frame, a plurality of wheels arranged to support the frame, an internal combustion engine powering at least one of the wheels, and an air intake system arranged to supply air to the engine for combustion at a location above an uppermost surface of the wheels, the air intake system having an air inlet through which ambient air enters the intake system, the air inlet positioned higher than the uppermost surface of the wheels, and an air intake duct extending rearwardly to the engine, at least a portion of the air intake duct being positioned lower than the uppermost surface of the wheels.
2. (Original) The off-road vehicle as set forth in Claim 1 additionally comprising a hood configured to cover at least a front portion of the frame, the air inlet disposed below the hood.
3. (Previously Presented) The off-road vehicle as set forth in Claim 1, wherein the air intake system comprises an air cleaner configured to clean the air that enters through the air inlet.
4. (Original) The off-road vehicle as set forth in Claim 3, wherein at least a portion of the air cleaner is positioned below the hood.
5. (Original) The off-road vehicle as set forth in Claim 1 additionally comprising at least two seat assemblies disposed side by side on the frame, the air inlet positioned between the seat assemblies in a top plan view of the vehicle.
6. (Previously Presented) An off-road vehicle comprising a frame, a plurality of wheels arranged to support the frame, a hood configured to cover at least a first portion of the frame, an internal combustion engine powering at least one of the wheels, an air intake system arranged to supply air to an intake port of the engine for combustion, the air intake system comprising an air cleaner configured to clean the air and an air delivery conduit arranged to deliver the air in the air cleaner to the engine, the air cleaner disposed below a central portion of the hood and above the floorboard, the engine being disposed on a second portion of the frame, the second portion being spaced apart from the first portion, a third portion of the frame extending between the first and second portions, the third portion including a floorboard, and at least a portion of the air delivery conduit extending below the floorboard, the intake port being disposed above the floorboard.
7. (Canceled)

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8. (Previously Presented) The off-road vehicle as set forth in Claim 6, wherein the engine has an air intake port communicating with a combustion chamber of the engine and the air delivery conduit connects the air cleaner to the air intake port.

9. (Previously Presented) The off-road vehicle as set forth in Claim 8, wherein the air delivery conduit comprises a throttle body that has a throttle valve to regulate an amount of air passing to the combustion chamber.

10. (Original) The off-road vehicle as set forth in Claim 9, wherein the air delivery conduit includes an accumulator disposed between the throttle body and the balance of the intake duct, an inner diameter of the accumulator is greater than an inner diameter of the rest of the delivery conduit.

11. (Canceled)

12. (Previously Presented) The off-road vehicle as set forth in Claim 6, additionally comprising a seat unit disposed on the second portion of the frame, the engine and the seat unit positioned next to each other.

13. (Original) The off-road vehicle as set forth in Claim 12, wherein the seat unit comprises at least two seat assemblies placed side by side, the engine at least in part is interposed between the seat assemblies.

14. (Original) The off-road vehicle as set forth in Claim 13, wherein each one of the seat assemblies comprises a seat and a pedestal that supports the seat.

15. (Previously Presented) The off-road vehicle as set forth in Claim 6, wherein at least a portion of the air delivery conduit is positioned higher than the air cleaner.

16. (Original) The off-road vehicle as set forth in Claim 15, wherein at least a portion of the air cleaner is positioned higher than the wheels.

17. (Original) The off-road vehicle as set forth in Claim 6, wherein at least a portion of the air cleaner is positioned higher than the wheels.

18. (Original) The off-road vehicle as set forth in Claim 17 additionally comprising a seat unit that defines a surface onto which a driver or passenger of the vehicle sits, the surface positioned higher than the wheels, and at least a portion of the air cleaner is positioned higher than the surface.

19. (Original) The off-road vehicle as set forth in Claim 18, wherein the air cleaner has an air inlet and at least the air inlet is positioned higher than the surface.

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20. (Original) The off-road vehicle as set forth in Claim 17, wherein the air cleaner has an air inlet and at least the air inlet is positioned higher than the wheels.

21. (Original) The off-road vehicle as set forth in Claim 6, wherein the hood additionally covers at least one of the wheels.

22. (Withdrawn) An off-road vehicle comprising a frame, a plurality of wheels arranged to support the frame, at least two seat assemblies disposed side by side on the frame, an internal combustion engine powering at least one of the wheels, and an air intake system arranged to supply air to the engine for combustion, the air intake system comprising an air cleaner configured to clean the air, at least a portion of the air cleaner is positioned between the seat assemblies.

23. (Withdrawn) The off-road vehicle as set forth in Claim 22, wherein at least a portion of the engine is positioned between the seat assemblies.

24. (Withdrawn) The off-road vehicle as set forth in Claim 22, wherein the engine has an air intake port communicating with a combustion chamber of the engine, the air intake system additionally comprising an air delivery conduit arranged to connect the air cleaner to the air intake port.

25. (Withdrawn) The off-road vehicle as set forth in Claim 24, wherein the air delivery conduit comprises a throttle body that has a throttle valve to regulate an amount of air passing to the combustion chamber.

26. (Withdrawn) The off-road vehicle as set forth in Claim 24, wherein at least a portion of the air delivery conduit is positioned between the seat assemblies.

27. (Withdrawn) The off-road as set forth in Claim 26, wherein at least a portion of the air intake port is positioned forward of a seat back of each of the respective seat assemblies.

28. (Withdrawn) The off-road vehicle as set forth in Claim 22, wherein at least a portion of the air cleaner is positioned higher than the wheels.

29. (Withdrawn) The off-road vehicle as set forth in Claim 28, wherein each one of the seat assemblies defines a surface onto which a driver or passenger of the vehicle sits, the top surface is positioned higher the wheels, and at least a portion of the air cleaner is positioned higher than the surface.

30. (Withdrawn) The off-road vehicle as set forth in Claim 29, wherein the air cleaner has an air inlet and at least the air inlet is positioned higher than the surface.

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31. (Previously Presented) An off-road vehicle comprising a frame, a plurality of wheels arranged to support the frame, at least one seat supported by the frame, an internal combustion engine powering at least one of the wheels, and an air intake system arranged to supply air to the engine for combustion, the air intake system comprising an air cleaner configured to filter the air, the seat being disposed in a fore to aft direction on the vehicle such that the air cleaner lies forward of the seat and at least a portion of the engine lies behind the seat.

32. (Previously Presented) The off-road vehicle as set forth in Claim 31, wherein the air intake system delivers supply air to at least one combustion chamber of the engine.

33. (Withdrawn) The off-road vehicle as set forth in Claim 3, further comprising two seat assemblies disposed side by side on the frame, at least a portion of the air cleaner is positioned between the seat assemblies.

34. (Previously Presented) The off-road vehicle as set forth in Claim 1, wherein the air intake system delivers supply air to at least one combustion chamber of the engine.

35. (Withdrawn) The off-road vehicle as set forth in Claim 22, wherein the air intake system delivers supply air to at least one combustion chamber of the engine.

36. (Withdrawn) The off-road vehicle as set forth in Claim 22, wherein the air cleaner is adjacent the at least two seat assemblies.

37. (Previously Presented) The off-road vehicle as set forth in Claim 31, wherein at least a portion of one combustion chamber of the engine is positioned rearwardly of the seat.